

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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|-----------------------------------|---|---------------------------------|
| KELVIN ELLIS, |) | |
| |) | |
| Petitioner/Defendant, |) | |
| |) | CIVIL NO. 08-cv-826-MJR |
| vs. |) | |
| |) | CRIMINAL NO. 05-cr-30011 |
| UNITED STATES of AMERICA , |) | |
| |) | |
| Respondent/Plaintiff. |) | |

MEMORANDUM AND ORDER

REAGAN, District Judge:

This matter is before the Court on Petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255. On October 12, 2005, Petitioner pleaded guilty to three counts of obstructing justice. *See* 18 U.S.C. §§ 1512(c)(2) and 1503. On July 27, 2006, Petitioner was sentenced to 121 months imprisonment, three years supervised release, a fine of \$12,500, and a special assessment of \$300. Petitioner's conviction and sentence were affirmed on direct appeal. *United States v. Ellis*, Case No. 06-3112, 240 Fed. Appx. 146 (7th Cir. July 2, 2007). Petitioner's application for a writ of certiorari to the Supreme Court of the United States was denied. *Ellis v. United States*, Case No. 07-454, 128 S. Ct. 549 (Nov. 5, 2007).

In his § 2255 motion, Petitioner raises three grounds for relief: (1) ineffective assistance of counsel due to counsel's failure to interview and prepare for Petitioner's case; (2) ineffective assistance of counsel in not preparing entrapment defense; and (3) ineffective assistance of counsel because counsel allegedly failed to advise him of a potential defense.

The Court **ORDERS** the Government to file a response to Petitioner's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED this 22nd day of July, 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge